

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Mike T. Fallaw  
353 Walden Avenue  
Lexington, South Carolina 29070

SCDOI Case Files: 2005-124181 &  
124278

**Consent Order  
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above referenced individual, a licensed South Carolina resident surety bail bondsman.

Upon review of this matter, I hereby find as fact, that Mike T. Fallaw, dba A-1 Bonding & Enterprises, Inc., while licensed to do business as a resident surety bondsman, did utilize the services of one Brett L. Savage, an unlicensed individual, as a 'runner', for the apprehension of fugitives. Mr. Fallaw acknowledges this allegation, but contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of his license and that of his business, to transact the business of bail bonds in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code Ann. Section 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against him, Mike T. Fallaw and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that in lieu of the Department seeking to revoke respondent's licensing privileges, and pursue criminal charges against him, Mr. Fallaw would waive his right to a public hearing, and immediately submit via certified check, a negotiated and consensual administrative penalty in the amount of \$3,000.00 dollars.

Sections 38-45-140 and 38-43-130 of the South Carolina Code grant the Director of Insurance the power to revoke an insurance producer's license for violating any of South Carolina's Insurance Laws.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Mike T. Fallaw/ A-1 Bonding & Enterprises, Inc., has violated S.C. Code Ann. Section: 38-53-80(Supp. 2004). As a result, I can now take administrative disciplinary action against his surety bondsman's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-2-10(Supp. 2004), and carefully considering the recommendation of the parties, I hereby impose against Mr. Fallaw, an administrative penalty in the amount of \$3,000.00 dollars. If that fine is not timely paid, all of his licensing privileges shall be immediately revoked without

any further disciplinary proceedings and the case will be turned over to the Office of the State Attorney General.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of Mike Fallaw's and A-1 Bonding & Enterprises, Inc.'s assurances that in the future they will fully comply with the Insurance Laws of South Carolina.

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp.2004) to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance/ surety bail bonds or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Mike T. Fallaw/ A-1 Bonding & Enterprises, Inc., shall within ten days of the date from the date that he receives this Order, pay through the South Carolina Department of Insurance an administrative fine in the amount of \$3,000 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Fallaw's licensing file.

This order becomes effective as of the date of my signature below.

*March 3*, 2005, at  
Columbia, South Carolina

  
Eleanor Kitzman  
Director

I CONSENT:

Mike T. Fallaw

Mike T. Fallaw  
A-1 Bonding & Enterprises, Inc.  
353 Walden Avenue  
Lexington, South Carolina 29070.

Dated this 28<sup>th</sup> day of February, 2005.